IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.5133 OF 2005

IN

SPECIAL NDPS CASE NO.59 OF 2001

Shaikh Ashfaque Mohammad Ali ...Applicant

Versus

Intelligence Officer & Anr. ...Respondents

.....

Mr.Atul Sarpande for Applicant.

Mr.D.N.Salvi for Respondent No.1.

Ms.R.M.Gadhvi, A.P.P. for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 29, 2005.

P.C.

1. Grievance made before this Court is that inspite of direction given by this Court to conclude the trial expeditiously in terms of order dated October 28, 2004, the trial has not been concluded so far.

2. Counsel for the Applicant, at the outset,

states that the prayer for bail is not pressed. He submits that the Applicant would be content, if direction is issued to the Trial Court to proceed with the trial on day-to-day basis. Grievance is made that although the present trial is of 2001, the same has not concluded, whereas, trials of later years of 2004 and 2005 have substantially progressed.

3. The Trial Judge will be well advised to keep in mind that the oldest case should be given precedence over the subsequently registered cases. The trial of the present case be proceeded on day-to-day basis, unless the Trial Judge is already burdened with other older cases than the present case. In that situation, the Trial Judge may ensure that trial of the present case is proceeded without giving adjournments on flimsy reasons.

4. Disposed of on the above terms.

A.M.KHANWILKAR, J.